



IFW RCE
3763

PTO/SB/30 (09-03)

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Request for Continued Examination (RCE) Transmittal

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Application Number	09/205,251
Filing Date	12/04/1998
First Named Inventor	Arenberg, et al.
Art Unit	3763
Examiner Name	Thanh, LoAn H.
Attorney Docket Number	DURE-021

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☒ Consider the arguments in the Appeal Brief or Rely Brief previously filed on 04/23/2004

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other _____

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to
a. ☒ Deposit Account No. 50-1953

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	<u>Thomas P. McCracken</u>	Registration No. (Attorney/Agent)	<u>38,548</u>
Signature	<u>[Signature]</u>	Date	<u>23 JULY 2004</u>

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	<u>CRYSTAL SUSA</u>	Date	<u>7/23/04</u>
Signature	<u>[Signature]</u>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Signature: Thomas P. McCracken Printed: Thomas P. McCracken

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Arenberg, et al.

Title: CONTROLLED RELEASE SYSTEM FOR DELIVERING
THERAPEUTIC AGENTS INTO THE INNER EAR

Serial No.: 09/205,251
Examiner: Thanh, LoAn H.

Filing Date: 12/04/98
Group Art Unit: 3763

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO ACCOMPANY REQUEST
FOR CONTINUED EXAMINATION (37 C.F.R. §1.114)**

Sir:

This paper is submitted along with a Request for Continued Examination (RCE) and the fee set forth in §1.17(e). This paper responds to the issues set forth in the Office Action dated 23 February 2004, that Action having been made final. A two-month extension of time to respond to the subject Office Action is respectfully requested, and the petition and fee therefor accompany these papers. Reconsideration of the application in light of the following claim amendments and accompanying remarks is respectfully requested.